

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:15-cv-00007-MR
CRIMINAL CASE NO. 2:10-cr-00009-MR**

JAMES ERNEST LESPIER,

Petitioner,

VS.

UNITED STATES OF AMERICA,

Respondent.

ORDER

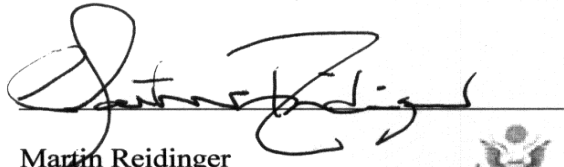
THIS MATTER is before the Court on the Petitioner’s Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody [Civil Case No. 1:15-cv-00007-MR (“CV”), Doc. 1].

For the reasons stated in the Court's Memorandum of Decision and Order of June 17, 2016, and for the reasons stated in open court on December 13, 2016,

IT IS, THEREFORE, ORDERED that the Petitioner's Motion under 28 U.S.C. § 2255 [CV Doc. 1] is **GRANTED**, and the Petitioner's previous conviction and sentence [Criminal Case No. 2:10-cr-00009-MR] are hereby **VACATED**.

IT IS FURTHER ORDERED that the Petitioner's guilty plea to the charge of second-degree murder is **ACCEPTED**, and the Petitioner is hereby **RESENTENCED** as set forth in the Amended Criminal Judgment entered contemporaneously herewith.

IT IS SO ORDERED. Signed: January 30, 2017


Martin Reidinger
United States District Judge

